

REMARKS/ARGUMENTS

A translation which the client advises is the translation of the Dutch priority document, is attached hereto, thereby to overcome EP 0 900 807 as a reference.

The claims have been amended as to formal matters as needed.

Reconsideration is accordingly respectfully requested, for the rejection of certain of the claims as anticipated by WO 99/01214.

The Official Action states that the transition of an oil-in-water phase (o/w) to a water-in-oil phase (w/o), as defined in the claims of the present invention is anticipated in the above-mentioned prior art. However, there is a difference between the process of the invention and the process of the prior art. The presently claimed process involves the inversion of a two-phase system from o/w to w/o, whereas the prior art describes a three-phase system, viz. the o/w phase is emulsified in another oil or hydrophobic phase, not requiring an inversion of the o/w system.

The present process also uses a hydrophobic phase, but only to create a phase transition, and not to create a three-phase system.

These differences can also be seen from the examples. E.g., with the method of the present invention ("Method for the preparation of starch particles"), a one-batch emulsion is obtained by mixing starch, water, crosslinker and an oil phase, using Tween 85 as a temperature-sensitive surfactant to generate the oil-in-water (o/w) emulsion. When the temperature is raised and passes through the phase inversion temperature of this surfactant, a water-in-oil (w/o) emulsion is obtained, providing small droplets of starch in water that after cross-linking generate the small and stable particles.

However, with the method of WO 99/01214 ("Encapsulation of Active Ingredients") starch and water (phase 1), crosslinker and a hydrophobic active ingredient (phase 2), are mixed using Tween 80 as a surfactant to generate an o/w emulsion. Next oil phase (phase 3) is added to create a w/o emulsion using an ultra-sonic high intensity mixer (referred to as "Ultra-Turrax"). A three-phase system is generated, consisting of an o/w emulsion

dispersed into the major oil phase as a w/o emulsion and therefore uniquely different from the method of the present invention. The former leads to encapsulation of the hydrophobic active ingredient within the cross-linked starch particles whose size is a result of the high intensity mixing, with particle sizes typically in the 25 micron range.

In contrast, the starch particles generated by the present invention are uniquely different in terms of composition, as they rely on the micellar characteristics induced by the surfactants. Furthermore, the range of particle sizes of the particles is more definite in the present invention. Therefore, the two methods are separate inventions that lead to different compositions.

This prior art does not teach or suggest the method according to the present invention, leading to such good results (see above). Hence, claim 1 is not anticipated by WO 99/01214 under 35 USC §102(a) not rendered obvious thereby.

As claim 1 clearly brings out these distinctions with ample particularity, it is believed that claim 1 and

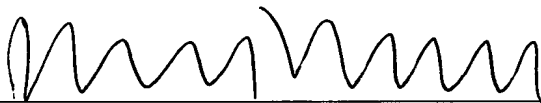
hence the claims that depend therefrom, are patentable over the applied reference.

In view of the present amendment and the foregoing remarks, therefore, it is believed that this application has been placed in condition for allowance, and reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Robert J. Patch, Reg. No. 17,355
Attorney for Applicants
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297

RJP/bsg
Attachment